REMARKS

Reconsideration of the application is requested.

Claims 7-9 and 11-13 are now in the application. Claims 7-9 and 11-13 are subject to examination. Claims 7 and 11 have been amended. Claim 10 has been canceled to facilitate prosecution of this application.

Under the heading "Specification" on page 2 of the above-identified Office Action, the Examiner objected to the specification.

The Examiner has not pointed out any particular error and applicants are not aware of any errors in the specification at this time. Applicants believe the translation is accurate.

Under the heading "Claim Rejections – 35 USC § 112" on page 2 of the above-identified Office Action, claims 7-13 have been rejected as being indefinite under 35 U.S.C. § 112, first paragraph.

It appears that the Examiner has misunderstood the operation of the claimed device. The MOS transistor does not have to be switched off to bring about the required protection. It is sufficient to operate the MOS transistor in the pinch-off region or saturation region, where it operates as a current source and ensures that the source voltage cannot exceed the difference from the voltage at the

gate of the transistor and the threshold voltage. As the Examiner knows, this functional mode of a field-effect transistor is well-know and is described in many textbooks covering electronic circuits. A description is also found, for example, in Wikipedia under "FET Operation".

In order to even more clearly define the operation of the device, the limitations of claim 10 have been added to claim 7. This specifies that, based upon the transistor acting as a current source, its source voltage, which represents the input voltage of the circuit to be protected, is maintained at a predetermined potential. The claimed operation is clearly described at page 10, lines 5-20 of the translated specification.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first paragraph.

Under the heading "Claim Rejections – 35 USC § 103" on page 3 of the above-identified Office Action, claims 7-13 have been rejected as being obvious over U.S. Patent No. 6,031,705 to Gscheidle in view of U.S. Patent No. 6,172,383 to Williams under 35 U.S.C. § 103. Applicants respectfully traverse, especially with regard to claim 10.

As mentioned above, the limitations of claim 10 have been added to claim 7. Claim 7 now specifies that in an event of a short circuit to a highest voltage of the on-board electrical system active at the device connection, a source voltage

of said transistor is limited to a value Vs = Vbat1 – Vth, where Vs is the source voltage, Vbat1 is the low on-board voltage, and Vth is the threshold voltage of said transistor.

The MOS transistor is operated in the pinch-off region or saturation region, where it operates as a current source and ensures that the source voltage cannot exceed the difference from the voltage at the gate of the transistor and the threshold voltage. The source voltage, which represents the input voltage of the circuit to be protected, is maintained at a predetermined potential.

Contrary thereto, the transistor of Gscheidle turns off completely due to the action of the surge detection device. Because of the resulting high resistance of the MOS transistor, its source lies on a floating potential. A predetermined voltage is not maintained at the source. Contrary to the invention as defined by claim 7, Gscheidle does not teach that the source voltage of the transistor is limited to a value Vs = Vbat1 – Vth.

Therefore, even if there were a suggestion to combine the teachings of Gscheidle and Williams, the invention as defined by claim 7, which now incorporates the limitations of claim 10, would not have been obtained.

Applicants also point out that the circuit operation of Gscheidle in which the source of the MOS transistor is floating is disadvantageous because the voltage at the source cannot can be measured for a diagnosis and

consequently one cannot determine which type of error is present. Contrary thereto, with the claimed device, one can recognize precisely, based upon the voltage that is detected at the source, that it a short circuit to a high voltage exists since this source voltage cannot occur in any other case. Additionally, another advantage of the present invention is that the surge detection device of Gscheidle need not be provided, and this results in a significant savings.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 7. Claim 7 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 7.

In view of the foregoing, reconsideration and allowance of claims 7-9 and 11-13 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of $490.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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